

Notice of Allowability

Application No.

10/829,482

Examiner

Michael G. Bogart

Applicant(s)

MAGEE ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 30 August 2007.
2. ☒ The allowed claim(s) is/are 1-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Replace claims 18-48 with the following claims:

18. The article of claim 14, wherein the first tab and the second fastening member are prefastened by a mechanical bond.

19. The article of claim 14, wherein at least a portion of the first fastening member is directly joined to the first waist region.

20. An absorbent article having a first waist region, a second waist region and a crotch region interconnecting the first waist region and second waist region, an article inner surface and an article outer surface, the absorbent article comprising:

a topsheet;

a backsheet; and

a fastening device for joining at least a portion of the first waist region with at least a portion of the second waist region, the fastening device including at least one first fastening member, and at least one second fastening member;

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the at least one first fastening member is joined to the first waist region, the at least one first fastening member includes, at least one first tab, the first tab including a first tab inner surface, a first tab outer surface, and a first tab fastening element on the first tab, at least one second tab, the second tab including a second tab inner surface, a second tab outer surface, and a second tab fastening element on the second tab, a releasable tab to tab bond between the first tab and the second tab, the releasable tab to tab bond having a release load, the at least one second fastening member is joined to the second waist region on the article outer surface;

each first tab fastening element and second tab fastening element are configured to provide an operably secure, fastening engagement with the second fastening member, wherein the first fastening member includes a gripping means.

21. An absorbent article having a first waist region, a second waist region, and a crotch region interconnecting the first waist region and the second waist region, the absorbent article comprising:

a topsheet;

a backsheet;

a fastening device for joining at least a portion of the first waist region with at least a portion of the second waist region, the fastening device including:

at least one first fastening member at least partially joined to the first waist region, the first fastening member including a first tab and a second tab partially attached to and extending laterally from the first tab;

at least one second fastening member at least partially joined to the second waist region;
and at least one stored landing zone;

a releasable mechanical bond between a portion of the first tab and a portion
of the at least one second fastening member prefastening the first waist region with the second
waist region to form at least one leg opening in the article prior to use; and

a releasable storage fastening bond between a portion of the second tab and the at least
one stored landing zone, the releasable storage fastening bond adapted to maintain the first
fastening member in a stored position prior to use of the article;

wherein the first and second waist regions are more than about 10% elastomeric or
extensible under a load of about 20 grams force/centimeter or greater.

22. The article of claim 21, wherein at least a portion of the at least one
first fastening member is directly joined to the first waist region.

23. The article of claim 21, wherein the first tab includes a first tab
fastening element, and the second tab includes a second tab fastening element.

24. The article of claim 23, wherein the first tab fastening element forms the releasable
mechanical bond with the at least one second fastening member, and the second tab fastening
element forms the releasable storage fastening bond with the at least one stored landing zone.

25. The article of claim 21, wherein the releasable storage fastening bond is formed from
materials selected from the group comprising: adhesives, cohesives, hook materials, loop
materials, and combinations thereof.

26. The article of claim 21, wherein the releasable mechanical bond is created by ultrasonic energy, pressure, thermal energy or a combination thereof.

27. An absorbent article having a first waist region, a second waist region, and a crotch region interconnecting the first waist region and the second waist region, the absorbent article comprising:

a topsheet;

a backsheet;

a fastening device for joining at least a portion of the first waist region with at least a portion of the second waist region, the fastening device including:

two first fastening members, each of the first fastening members having at least a portion joined to the first waist region, and each of the first fastening members including a first tab having a first tab fastening element and a second tab partially attached to and extending laterally from the first tab, the second tab having a second tab fastening element; and

a second fastening member having at least a portion joined to the second waist region, the second fastening member having at least one stored landing zone and at least one attachment landing zone;

a releasable mechanical bond between a portion of each first tab and a respective portion of the second fastening member prefastening the first waist region and the second waist region to form two leg openings and a first waist hoop in the article prior to use; and

a releasable storage fastening bond between a portion of each second tab and the at least one stored landing zone, the releasable storage fastening bond adapted to maintain each first fastening member in a stored position prior to use of the article and to permit each first fastening member to be repositioned from the stored position;

wherein the first tabs are configured to provide fastening engagement with the attachment landing zone to form a second waist hoop upon being repositioned from the stored position; and

wherein the first and second waist regions are more than about 10% elastomeric or extensible under a load of about 20 grams force/centimeter or greater.

28. The article of claim 27, wherein the second waist hoop is smaller than the first waist hoop.

29. The article of claim 27, wherein at least a portion of the two first fastening members is directly joined to the first waist region.

30. The article of claim 27, wherein the first tab fastening element forms the releasable mechanical bond with the second fastening member, and the second tab fastening element forms the releasable storage fastening bond with the at least one stored landing zone.

31. The article of claim 27, wherein the releasable storage fastening bond is formed from materials selected from the group comprising: adhesives, cohesives, hook materials, loop materials, and combinations thereof.

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32. The article of claim 27, wherein the first releasable mechanical bond is created by ultrasonic energy, pressure, thermal energy or a combination thereof.

33. An absorbent article having a first waist region, a second waist region, and a crotch region interconnecting the first waist region and the second waist region, the absorbent article comprising:

a topsheet;

a backsheet; and

a fastening device for joining at least a portion of the first waist region with at least a portion of the second waist region, the fastening device including:

at least one first fastening member having at least a portion joined to the first waist region, the first fastening member including a first tab and a second tab partially attached to and extending laterally from the first tab;

at least one second fastening member having at least a portion joined to the second waist region;

a releasable mechanical bond between a portion of the first tab and a portion of the at least one second fastening member prefastening the first waist region and the second waist region to form at least one leg opening in the article prior to use; and

a releasable storage fastening bond between a portion of the second tab and a portion of the at least one second fastening member, the releasable storage fastening bond adapted to maintain the first fastening member in position prior to use;

wherein the first and second waist regions are more than about 10% elastomeric or extensible under a load of about 20 grams force/centimeter or greater.

34. The article of claim 33, wherein at least a portion of the at least one first fastening member is directly joined to the first waist region.

35. The article of claim 33, wherein the at least one first fastening member has an elastic portion and an inelastic portion.

36. The article of claim 33, wherein the at least one first fastening member has an extensible portion and a non-extensible portion.

37. The article of claim 33, wherein the first tab includes a first tab fastening element, and the second tab includes a second tab fastening element.

38. The article of claim 37, wherein the first tab fastening element forms the releasable mechanical bond and the second tab fastening element forms the releasable storage fastening bond.

39. The article of claim 33, wherein the releasable storage fastening bond is formed from materials selected from the group comprising: adhesives, cohesives, hook materials, loop materials, and combinations thereof.

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40. The article of claim 33, wherein the first releasable mechanical bond is created by ultrasonic energy, pressure, thermal energy or a combination thereof.

41. An absorbent article having a first waist region, a second waist region, and a crotch region interconnecting the first waist region and the second waist region, the absorbent article comprising:

a topsheet;

a backsheet; and

a fastening device for joining the first waist region with the second waist region, the fastening device including:

a first fastening member joined to the first waist region, the first fastening member including a first tab and a second tab partially attached to and extending laterally from the first tab, a second fastening member joined to the second waist region;

a first releasable mechanical bond between the first tab and the second fastening member prefastening the first waist region and the second waist region to form at least one leg opening in the article prior to use; and

a second releasable bond between the second tab and the second fastening member, the second releasable bond adapted to maintain the first fastening member in position prior to use;

wherein the first and second waist regions extend at least about 10% under a load of about 20 grams force/centimeter or greater.

42. The article of claim 41, wherein the first tab includes a first tab fastening element and the second tab includes a second tab fastening element.

43. The article of claim 42, wherein the first releasable mechanical bond is between the first tab fastening element and the second fastening member.

44. The article of claim 43, wherein the second releasable bond is between the second tab fastening element and the second fastening member.

45. The article of claim 41, wherein the first releasable mechanical bond is created by ultrasonic energy, pressure, thermal energy or a combination thereof.

46. The article of claim 41, wherein the second releasable bond is formed from materials selected from the group comprising: adhesives, cohesives, hook materials, loop materials, and combinations thereof.

47. An absorbent article having a longitudinal axis, a first waist region, a second waist region, and a crotch region interconnecting the first waist region and the second waist region, the absorbent article comprising:

a topsheet;

a backsheet; and

a fastening device for joining at least a portion of the first waist region with at least a portion of the second waist region, the fastening device including at least one first fastening member and at least one second fastening member;

the at least one first fastening member is joined to the first waist region, the at least one first fastening member includes:

a first tab fastening element and a second tab fastening element on an inner surface of the first fastening member;

the at least one second fastening member is joined to the second waist region, the at least one second fastening member includes:

a first zone and a second zone, the first and second zones are formed on discrete and separate surface portions of the second fastening member;

a releasable mechanical bond between the first tab fastening element and the first zone, the releasable mechanical bond is prefastened to form at least one leg opening; and

a releasable storage fastening bond between a portion of the second tab fastening element and the second zone, the releasable storage fastening bond adapted to maintain at least a portion of the first fastening member in a stored position prior to use;

wherein the first and second waist regions are more than about 10% elastomeric or extensible under a load of about 20 grams force/centimeter or greater.

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48. The article of claim 47, wherein the first zone is disposed a first distance from the longitudinal axis and the second zone is disposed a second distance from the longitudinal axis less than the first distance, the first and second distances measured along the second waist region.

Examiner's Comment

Applicant's arguments, see remarks, filed 30 August 2007, with respect to the rejection of claims 20, 21, 27, 33, 41 and 47 under 35 USC § 112 have been fully considered and are persuasive. Applicants' new declaration overcomes the rejections under 35 USC § 251. The rejection of claims 1-48 has been withdrawn. The Examiner's amendment presented herein contains no substantive changes to the claims presented in the amendment dated 30 August 2007. They have merely been underlined in compliance with MPEP § 1453 II (B).

Claims 1-48 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Bogart
14 November 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

